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Report of the Special Rapporteur on minority issues, Rita Izsák

Summary

The present report provides an update of the activities of the Special Rapporteur on minority issues during 2014. It includes a thematic discussion on "Hate speech and incitement to hatred against minorities in the media". Media, in its diverse forms, is an essential component of today's societies, providing huge benefits and possibilities, including in the field of minority issues. Nevertheless, the Special Rapporteur highlights that media can also be misused as a platform for discrimination, exclusion and the incitement of hostility and violence against particular individuals and groups, through hate speech as well as xenophobic discourse.

The Special Rapporteur identifies and analyses factors that influence and perpetuate hate speech in the media. She urges States to adopt legislation prohibiting national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, in line with article 20 of the International Covenant on Civil and Political Rights, and to put in place practical policy and programme measures to prevent hate speech from leading to hate crimes.

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I. Introduction

1. The mandate of the Special Rapporteur on minority issues was established by the Commission on Human Rights in resolution 2005/79, as an Independent Expert, and renewed by the Human Rights Council in resolutions 7/6 of 27 March 2008 and 16/6 of 24 March 2011. On 28 March 2014, the Council renewed the mandate of the Special Rapporteur, in resolution 25/5. The current mandate holder assumed her functions on 1 August 2011. The mandate of the Special Rapporteur is, inter alia, to promote the implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultation with Governments.

2. The present report covers the period from January to December 2014. Chapter II contains an overview of the Special Rapporteur's activities during the reporting period. In chapters III and IV, the Special Rapporteur focuses on the thematic issue of hate speech and incitement to hatred against minorities in the media, and provides her conclusions and recommendations in chapter V.

II. Activities of the Special Rapporteur

A. Country visits

3. The Special Rapporteur visited Nigeria from 17 to 28 February 2014. With over 350 ethnic groups and even more languages, harmonious and peaceful inter-ethnic relations prevail in most of the country. However, violent intercommunal clashes have affected the North and Middle Belt regions, with the underlying causes of the violence including poverty, good governance deficits, impunity and polarization of ethnic and religious characteristics. Minority communities in the Niger Delta suffer from dire environmental degradation owing to frequent oil spills. They have been deprived of their traditional livelihoods and face difficulties accessing basic services. Language issues include the decline of numerous mother-tongue languages. The report on the visit is contained in document A/HRC/28/64/Add.2.

4. The Special Rapporteur visited Ukraine from 7 to 14 April 2014. Representatives of communities described a history of harmonious inter-ethnic and interfaith relations and a legislative, policy and social environment generally conducive to the protection of their rights, including cultural and linguistic rights. Nevertheless, minority issues became highly politicized as the situation of political and social unrest increased in 2014, particularly in the East, creating and widening fractures along national, ethnic and linguistic lines, and resulting in conflict. While challenges relating to minority issues include a lack of institutional attention to minority rights, she notes that minority rights have been inappropriately used to justify or support violent actions. The report on the visit is contained in document A/HRC/28/64/Add.1.

5. The Special Rapporteur thanks the Governments of Nigeria and Ukraine for their cooperation during her visits to the respective countries, and the Governments of Botswana, Brazil and the Russian Federation, respectively, for agreeing to visits in 2015. She also thanks the Government of Belarus for extending an invitation to conduct an official visit. She urges other States to which she has requested invitations to respond positively to her requests.

B. Communications

6. The Special Rapporteur received information from diverse sources about human rights violations perpetrated against national, ethnic, religious and linguistic minorities. Based on that information, she sent communications in the form of letters of allegation and urgent action letters relating to minority issues to the Member States concerned – most jointly with other relevant mandates. Those communications and the responses from the Governments concerned are available to the public in the joint communications reports of the special procedures submitted to the Human Rights Council.[1]

C. Additional activities

Events, conferences and outreach

7. On 16 and 17 January 2014, the Special Rapporteur participated in the second international colloquium on "Roma Segregated Housing as a Human Rights Challenge", organized in Madrid by the Office of the United Nations High Commissioner for Human Rights (OHCHR), Regional Office for Europe, and the Government of Spain.

8. On 17 and 18 January 2014, she gave the keynote speech on "The rights and security of religious minorities" at the International Conference-Symposium on "Religious Liberty and Religious Minorities", organized by the International Association for the Defence of Religious Liberty and Complutense University, in Madrid.

9. On 5 February 2014, the Special Rapporteur delivered a lecture at the Central European University, in Budapest, on "The role of the United Nations Independent Expert on minority issues", as part of the course "Peoples' Rights and Minority Rights".

10. From 4 to 6 March 2014, she participated in the first international meeting of "Global Action Against Mass Atrocity Crimes" (GAAMAC), in San José, where she addressed the role of prevention through urgent and coordinated actions in the light of early-warning signs.

11. On 26 March 2014, she gave a lecture at the Hungarian National Public Service University, in Budapest, on "The rights and challenges on Roma, possible policy responses and the role of the media".

12. On 12 May 2014, the Special Rapporteur delivered the 2014 annual Sabhal Mòr Ostaig lecture on the Isle of Skye, Scotland, in which she focused on the general United Nations framework for minority rights protection, with specific attention to the trends and concerns regarding linguistic minorities.

13. On 17 June 2014, she participated in the side event on "Caste-based violence against women and girls", organized by the International Dalit Solidarity Network, in Geneva. She discussed the role of special procedures in combating caste-based discrimination and violence.

14. On 18 June 2014, the Special Rapporteur participated in a panel discussion on "Preventative tools of human rights mechanisms in Geneva – Part I: Special Procedures Mandate Holders", organized by the Responsibility to Protect Core Group, in which she addressed how special procedures could help prevent human rights violations, particularly mass atrocity crimes, by identifying situations at risk.

[1] See www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

15. On 31 July and 1 August 2014, she participated in a conference in Krakow, Poland, organized by TernYpe International Roma Youth Network, to commemorate the 70th anniversary of Roma Holocaust Day on 2 August.

16. On 3 September 2014, she participated as a guest speaker in a seminar on "Incitement to hatred, xenophobia and related intolerance in cyberspace", in Minsk, which was organized by OHCHR and the Ministry of Foreign Affairs of Belarus.

17. On 18 September 2014, the Special Rapporteur participated as a panellist in the Human Rights Council panel discussion on "The role of prevention and protection of human rights", in Geneva.

18. On 24 September 2014, she participated as an expert in the round table on "Persons with albinism: violence, discrimination and way forward", organized by OHCHR and the Organisation Internationale de la Francophonie, in Geneva.

19. On 23 October 2014, the non-governmental organization (NGO) Committee on Freedom of Religion or Belief organized a discussion with the Special Rapporteurs on minority issues and on freedom of religion or belief, at the Bahá'í International Community New York Office.

20. On 19 November 2014, she participated in the round table on "The role of education in the prevention of atrocity crimes" organized by the Central European University, in Budapest, and on 20 and 21 November, she spoke at the 7th Budapest Human Rights Forum.

Statements

21. The Special Rapporteur issued public statements, many jointly with other mandates, highlighting issues of concern involving minorities,[2] including: on 26 March 2014, calling on the Vietnamese authorities to intervene in a case of forced eviction of the last remaining residents of Con Dau, home to a small Catholic community; 7 April, on the human rights situation of the Rohingya Muslim minority in Myanmar, raising the alarm on the further deterioration of their human rights situation; 8 April, marking International Roma Day, calling for inclusion of Roma in decision-making processes; 10 April, to the Cameroonian authorities regarding the eviction and demolition of houses of a Mbororo pastoralist community; 25 April, regarding the evacuation of religious minorities under threat in the Central African Republic; 19 May, expressing alarm to the Government of Sudan over the death sentence imposed on a pregnant Christian woman and urging the repeal of discriminatory legislation on the grounds of gender and religion; 21 May, to the Government of the Islamic Republic of Iran urging it to halt the execution of two Ahwazi Arab human rights activists.

22. The Special Rapporteur, together with other mandate holders, issued joint statements: on 2 July 2014, urging the Government of Sri Lanka to take measures to stop racial and faith-based hatred and violence against Muslim and Christian communities; 23 July, calling on the Government of Nigeria to address the situation of over three million internally displaced persons; 25 July, regarding threats to several minority groups in Iraq by the so-called Islamic State in Iraq and the Levant (ISIL); 31 July, to commemorate the 70th anniversary of the Roma Holocaust, calling on governments for stronger measures and initiatives to keep the memory of the Roma Holocaust alive; 12 August, warning of the danger of massacre of the Yazidi population in Northern Iraq by ISIL; 14 August,

[2] Links to the Special Rapporteur's press releases can be found on her webpage, www.ohchr.org/en/issues/minorities/iexpert/pages/ieminorityissuesindex.aspx.

expressing concern over Pakistani asylum seekers in Sri Lanka being detained and forcefully deported to Pakistan without adequate assessment of their asylum claims; 5 December, regarding two grand jury decisions in the United States not to bring to trial the cases of Michael Brown and Eric Garner, African-Americans killed by police.

D. Update on the Forum on Minority Issues

23. The Special Rapporteur was requested, in resolution 25/5, to guide the work of the Forum on Minority Issues, prepare its annual meetings and report on its recommendations to the Human Rights Council. The seventh annual session of the Forum was held in Geneva, on 25 and 26 November 2014, with a thematic focus on preventing and addressing violence and atrocity crimes against minorities.

24. Over 500 delegates participated, representing Member States from all regions, United Nations mechanisms, treaty bodies and specialized agencies, intergovernmental organizations, regional organizations, national human rights institutions and NGOs and including academics and experts on minority issues. Issues addressed included understanding the root causes of violence; improving prevention of violence and atrocity crimes; essential measures for resolution, protection and security once violence has broken out; and avoiding renewed violence through peace-building and managing diversity. Interventions identified challenges involving minorities as well as solutions and effective practices for preventing and addressing violence. Three side events were organized in the margins of the Forum on related themes. Recommendations from the Forum will be presented to the Council at its twenty-eighth session.

III. Hate speech and incitement to hatred against minorities in the media

A. Introduction

25. The Special Rapporteur is alarmed by the high number of complaints reaching her about hateful messages and incitement to hatred that have fuelled tensions and often led to hate crimes. In her 2014 report to the General Assembly (A/69/266), she focused on violence and atrocity crimes against minorities and listed cases of attacks against minority groups that she had brought to the attention of Member States concerned, either through communications (letters of allegation or urgent action letters) or public press releases. She believes that more should be done to monitor and react, in a timely manner, to hate speech and incitement to hatred and violence to prevent tensions and violence which damage the entire social fabric, unity and stability of societies. Tolerance and inaction reinforce the subordination of targeted minorities, making them more vulnerable to attacks, but also influencing majority populations and potentially making them more indifferent to the various manifestations of such hatred.

26. Although not all hateful messages result in actual hate crimes, hate crimes rarely occur without prior stigmatization and dehumanization of targeted groups and incitement to hate incidents fuelled by religious or racial bias. Few countries collect data on hate crimes, their causes and victims that would enable policy-makers to better protect population groups at risk.

27. In the United States, in 2013, the Federal Bureau of Investigation (FBI), Uniform Crime Reporting Program, recorded almost 6,000 hate crimes incidents: 48.5 per cent were racially motivated (66 per cent anti-Black, 21 per cent anti-White, 5 per cent anti-Asian,

4 per cent anti-American Indian or Alaska Native); 17.4 per cent were motivated by religious bias (59 per cent anti-Semitic, 14 per cent anti-Islamic, 6 per cent anti-Catholic); and 11.1 per cent stemmed from ethnicity bias (53 per cent anti-Hispanic or Latino biased).[3]

28. In Europe, in 2008, the Fundamental Rights Agency conducted a survey of 23,500 respondents from ethnic minority and immigrant groups to assess how many had been victims of assault, threat or serious harassment with a perceived racist motive. The survey found that between 16 per cent and 32 per cent of Roma, and between 19 per cent and 32 per cent of persons of African origin reported being victims of racial discrimination. Another survey of 5,900 respondents in nine European Union Member States found that up to one third of Jewish people had experienced verbal abuse or physical anti-semitic violence.[4] The Special Rapporteur considers that many incidents could be prevented with timely and appropriate responses to hateful messages, including through better representation and inclusion of minorities in mainstream communication platforms.

29. No country or society is free from hatred and it is most often those belonging to national, ethnic, religious and linguistic minorities who are the targets of hate. But what are the causes of such hatred and how does it evolve from a thought or a viewpoint to infect a whole society or result in acts of violence? This is an essential question that we must become better at answering if we are to effectively confront hatred in all its forms.

30. Hatred is often constructed, fuelled, maintained and directed by certain individuals or groups against other individuals and communities who are different, in ethnicity, language or religion from the dominant majority, often for political reasons or due to long-standing and entrenched discrimination. Hateful messages may fall on particularly fertile ground where there are wider social, economic or political problems or divisions in society. The root causes of hatred often lie beyond purely ethnic or religious difference.

31. Hatred very often stems from wider societal shortcomings, including the lack of or unequal access to resources; partisan politics; corruption; deficits in good and inclusive governance; and the reality or perception of bias and favouritism along ethnic or religious lines, which can fuel distrust, suspicion and anger. It was found that where inclusive governance, equality and human rights prevail and communities have placed trust in their leadership, there were fewer communal fractures and concerns about minority rights.

32. Governments, civil society and the international community must be alert to the warning signs of hatred and violence much earlier: when the first words of hate speech are uttered; when media start to promote negative stereotypes; or once there is an atmosphere of discomfort and animosity when minorities exercise their right to freely and openly practise their religion, use their language, or assert their right to have a voice in political life and the decisions that affect them.

33. Many States continue to lack domestic anti-discrimination and anti-hate speech laws and, even where they exist, implementation of the law is often poor and court cases are rare. States must not make quick or easy assumptions that minorities feel secure because of constitutions and laws that codify minority rights on paper. It is essential that States find ways to understand the feelings and concerns of minorities and that the required institutional attention to minority issues and consultative bodies and processes is in place.

34. The present thematic study provides an overview of the role of media in relation to hate speech and incitement to hatred and violence. It refers to the role of international standards and processes with regard to the prohibition of advocacy of national, racial or

[3] See www.fbi.gov/about-us/cjis/ucr/hate-crime/2013/topic-pages/incidents-and-offenses/incidentsandoffenses_final.

[4] See http://fra.europa.eu/sites/default/files/fra-brief_hatecrime_en.pdf.

religious hatred that constitutes incitement to discrimination, hostility or violence, and will address the major challenges to combating hate speech in the media. Different measures and good practices that can be implemented by States and civil society actors will be analysed.

B. Examples

35. There are numerous examples, both historical and present-day, of how media is used as a means of portraying minority groups in an offensive and stereotyped way and, in the most extreme cases, to directly incite violence. The Nazi regime used media for a massive propaganda campaign against Jews, Roma, Jehovah's Witnesses, homosexuals and others. A propaganda ministry controlled the media, exerting censorship on books and authors to suppress opposing viewpoints and to reinforce Nazi ideology of racial superiority and anti-Semitism. Jews were repeatedly portrayed as the cause of societal problems and dehumanized in the public discourse. Around six million Jews, as well as Roma and others were murdered in the Nazi Holocaust.

36. During the Rwandan genocide in 1994, media played a major role in supporting and inciting ethnic hatred and violence against Tutsi and moderate Hutu populations. The newspaper *Kangura* spread hatred against Tutsis, publishing articles and graphic cartoons in which Tutsis were attacked. A wider audience was reached by radio stations, which were key in transmitting hate propaganda and incitement to violence. Radio Rwanda and Radio Télévision des Milles Collines (RTML) instigated, encouraged and directed massacres. Hate messages broadcast during the genocide referred to Tutsis as "cockroaches" and issued instructions to kill them. Nearly one million people were killed.

37. In the post-9/11 era, Islam and Muslims have been subject to stigmatization and hostility in Western media. Certain media outlets have identified Islam with terrorism, which, according to the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, is a major driver of resurgent Islamophobia around the world (E/CN.4/2006/17). Despite many civil society organizations delivering pro-Muslim discourses after the September 11 attacks, anti-Islamic fringe organizations have exploited mass media to spread messages of fear and anger. The former Independent Expert on minority issues noted in a report (A/HRC/13/23/Add.2) that members of Muslim and Arab communities in Canada stated that negative stereotypes had been reinforced since September 2001, including in the mass media, resulting in their reluctance to engage in public debate or raise their concerns.

38. Prejudices and entrenched stereotypes against Roma are common and Roma communities are frequently the target of degrading and inflammatory language. In 2013, the case of a young blonde girl who was found living in a Roma settlement in Greece, prompted a wave of anti-Roma reports and accusations that Roma had abducted her. Such allegations prompted additional allegations from other countries. The accusations were subsequently found to be unfounded. Indeed, they were made prior to a comprehensive investigation and were based on sensationalist media coverage. The Special Rapporteur called[5] on media and commentators to refrain from generalizations on the supposed criminality of Roma and warned that hateful rhetoric would trigger further stigmatization and even violence against Roma.

39. In the Central African Republic, hate speech has been recognized as having played a role in inflaming and fuelling violence and has been described by United Nations officials

[5] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13915&.

as a possible precursor to serious human rights violations, including potential genocide.[6] In March 2014, the United Nations Special Adviser on the Prevention of Genocide alerted the media that Muslims were being "deliberately and systematically targeted by the anti-Balaka" in attacks referred to as "cleansing operations". He referred to reports of hate speech by anti-Balaka (Christian armed groups) on public media referring to Muslims as "rotten potatoes" and public justification of their actions.

40. On 2 July 2014, the Special Rapporteur called on Sri Lanka to stop racial and faith-based hatred and violence directed at Muslim and Christian communities by Buddhist groups with extremist views, and to bring perpetrators to justice.[7] Various statements have promoted extremist views, proclaiming the racial superiority of Sinhala Buddhists and alleging that statues of Buddha are being bulldozed by religious minorities or that evangelical Christians are forcibly converting vulnerable people. Those statements reportedly contributed to over 350 violent attacks against Muslims and over 150 attacks against Christians in the past two years.

41. Social media is a fertile ground for radical and terrorist groups to spread hateful messages. ISIL uses online platforms, including Twitter, Facebook, Instagram and Youtube, to deliver updates on their actions as well as to reach out to potential donors and recruits, including posting videos and graphic material. The misuse of social media by ISIL has been described by the United Nations High Commissioner for Human Rights as "the product of a perverse and lethal marriage of a new form of nihilism with the digital age".[8]

42. Social media platforms have also been used to disseminate hate speech content against groups, which has fuelled intercommunal tensions and led, in some cases, to violent clashes among communities. Following a country visit in July 2014, the Special Rapporteur on the situation of human rights in Myanmar expressed her concern over the spread of misinformation, hate speech and incitement to violence, discrimination and hostility in the media and Internet, particularly targeted against Muslim communities.[9]

C. International legal framework

43. The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities establishes that "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity" and requires that States adopt appropriate legislative and other measures to achieve those ends (art. 1). The Declaration also emphasizes that persons belonging to minorities "have the right to enjoy their own culture, to profess and practise their own religion, and to use their language, in private and in public, freely and without interference or any form of discrimination" (art. 2.1). The commentary on the Declaration[10] encourages States to adopt laws protecting against acts or incitement to acts which physically threaten the existence of groups or threaten their identity.

44. The Convention on the Prevention and Punishment of the Crime of Genocide recognizes that genocide is an international crime, which entails the national and international responsibility of individual persons and States. According to article 3 of the

[6] See www.unmultimedia.org/radio/english/2014/03/hate-speech-in-the-central-african-republic-may-be-precursor-to-genocide/.
[7] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14812&LangID=E.
[8] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15173&LangID=E.
[9] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14910&LangID=E.
[10] See www2.ohchr.org/english/issues/minorities/group/11session.htm.

Convention, the following acts shall be punishable: (a) genocide; (b) conspiracy to commit genocide; (c) direct and public incitement to commit genocide; (d) attempt to commit genocide; and (e) complicity in genocide.

45. The International Covenant on Civil and Political Rights prohibits "any propaganda for war" as well as "any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence" (art. 20).

46. The International Convention on the Elimination of All Forms of Discrimination obligates States to condemn "all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination" (art. 4). Furthermore, three situations constitute offences punishable by law: (a) all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof; (b) organizations, organized and all other propaganda activities which promote and incite discrimination—which must be declared illegal and prohibited—, and participation in such organizations or activities; (c) promotion or incitement of racial discrimination by public authorities or public institutions, national or local.

47. In its general recommendation No. 35 (2013) on combating racist hate speech, the Committee on the Elimination of Racial Discrimination stresses, inter alia, the role of racist hate speech in processes leading to mass violations of human rights and genocide and in conflict situations and points out that racist hate speech can emanate from individuals or groups, can be disseminated orally, in print, through electronic media (Internet, social networking sites), as well as by non-verbal expression (racist symbols, images, behaviour at public gatherings). It emphasizes that media representations of ethnic, indigenous and other groups should be based on principles of respect, fairness and the avoidance of stereotyping. It formulates specific recommendations, including the adoption of appropriate legislation in line with international standards, the establishment of codes of professional ethics and press codes, the promotion of media pluralism and the facilitation of access to and ownership of media by minorities.

48. The Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence[11] constitutes a comprehensive framework to assist States in implementing their obligations to combat incitement to hatred. It contains specific recommendations and guidance on balancing freedom of expression enshrined in article 19 of the International Covenant on Civil and Political Rights, with the prohibitions in article 20, through a six-part threshold test for forms of speech that are prohibited under criminal law. Among the key factors put forward in the Plan to prevent incitement to hatred are the collective responsibility of States, media and society, and the need to foster social consciousness, tolerance, mutual respect, and intercultural dialogue.

49. The African Charter on Human and Peoples' Rights does not contain provisions referring specifically to the prohibition of incitement to national, racial or religious hatred. However the Charter states that: "all peoples shall be equal; they shall enjoy the same respect and shall have the same rights. Nothing shall justify the domination of a people by another" (art. 19) and that "every individual shall have the duty to respect and consider his

[11] See www.ohchr.org/documents/issues/opinion/seminarrabat/rabat_draft_outcome.pdf.

fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance" (art. 28). The American Convention on Human Rights states that: "any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law" (art. 13.5).

50. The European Court of Human Rights, in its recommendations and jurisprudence on the European Convention on Human Rights, has identified a number of forms of expression which are considered offensive and contrary to the Convention, including racism, xenophobia, anti-Semitism, aggressive nationalism and discrimination against minorities and immigrants.[12] The Court makes a distinction between genuine and serious incitement to extremism and, on the other hand the right of individuals (including journalists and politicians) to express their views freely and to "offend, shock or disturb" others. Other relevant standards include the Council of Europe Convention on Cybercrime and its Additional Protocol and the Council Framework Decision 2008/913/JHA on combating certain forms and expression of racism and xenophobia by means of criminal law.

IV. Factors that lead to hate speech and incitement to hatred in the media

51. Hate speech has been described as "the special scourge of minorities and indigenous peoples".[13] Unfortunately, hate speech and incitement to hatred are on the rise in many countries across all continents and these hateful messages are frequently transmitted through traditional media and the Internet. A number of factors are involved in making minority groups the targets of hate speech in the media.

A. Absence of or unclear legislation on incitement to hatred

52. There is no universally accepted definition of "hate speech". The term encompasses a wide array of hateful messages, ranging from offensive, derogatory, abusive and negative stereotyping remarks and comments, to intimidating, inflammatory speech inciting violence against specific individuals and groups. Only the most egregious forms of hate speech, namely those constituting incitement to discrimination, hostility and violence, are generally considered unlawful. Cultural paradigms must be understood and taken into account when considering whether certain comments or images constitute hate speech, incitement or defamation, and States have a margin of appreciation in establishing such thresholds. Nevertheless, a balance must be struck that does not unduly restrict the rights of individuals or place individuals under the threat of violence.

53. Discussion over what constitutes hate speech poses a recurring dilemma vis-à-vis the right to freedom of expression and its limits. It remains necessary to protect freedom of expression while at the same time guaranteeing the rights of others, public order and, in some cases, national security. Nevertheless, as stressed by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, far from being

[12] Council of Europe, Recommendation No. R 97 (20) of the Committee of Ministers to Member States on "hate speech", adopted on 30 October 1997, at the 607th meeting of the Minister's Deputies.

[13] Susan Benesch, "Defining and diminishing hate speech", in *Freedom from hate, State of the World's Minorities and Indigenous Peoples 2014*, Peter Grant, ed. (London, Minority Rights Group International, July 2014).

incompatible, the right to freedom of opinion and expression and the prohibition of incitement to hatred are "mutually supportive", as the public debate of ideas as well as interfaith and intercultural dialogue can prevent hate and intolerance.[14]

54. In order to develop consistent and effective legislation and measures to prohibit and penalize incitement to hatred, hate speech should not be confused with other types of inflammatory, hateful or offensive speech. As experts have stated,[15] the intended or actual effects of speech can be a useful indicator to distinguish incitement to hatred from other categories of hate speech: in the case of incitement to hatred, the speaker seeks to provoke reactions on the part of the audience, specifically to influence the audience to share the views expressed or implied in the speech and to respond against the victim groups with hostility, discrimination or violence.

55. The Council of Europe Committee of Ministers uses a broader approach: "the term "hate speech" shall be understood as covering all forms of expression which spread, incite, promote or justify racial hatred, xenophobia, anti-Semitism or other forms of hatred based on intolerance, including: intolerance expressed by aggressive nationalism and ethnocentrism, discrimination and hostility against minorities, migrants and people of immigrant origin."[16]

56. Lack of clear definitions of the content and elements of the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to hatred, in legal systems, may lead to misapplication of the law, including the use of anti-hate speech legislation to persecute and suppress critical or dissenting voices.[17] For example, so-called "blasphemy laws" may result in the censure of inter- and intra-religious dialogue, debate and criticism; many of those laws are also applied in a discriminatory manner, as they offer different levels of protection to different religious beliefs.[18] As highlighted by the Special Rapporteur on freedom of religion or belief, "the risk that legal provisions prohibiting hate speech are interpreted loosely and applied selectively by the authorities underlines the importance of having unambiguous language and of devising effective safeguards against abuses of the law".[19]

57. A series of consultations involving OHCHR, civil society and academics were held to provide a clearer definition of the key terms contained in article 20, paragraph 2, of the International Covenant on Civil and Political Rights, one of which resulted in "The Camden Principles on Freedom of Expression and Equality".[20] Principle 12 states as follows: (a) the terms "hatred" and "hostility" refer to intense and irrational emotions of opprobrium, enmity and detestation towards the target group; (b) "advocacy" must be understood as requiring an intention to promote hatred publicly towards the target group; (c) "incitement"

[14] See A/67/357.

[15] See, for example, www.ohchr.org/Documents/Issues/Expression/ICCPR/Others2011/SBenesch.doc.

[16] Council of Europe, Recommendation No. R 97 (20) of the Committee of Ministers, appendix (see note 12 above).

[17] See A/67/357.

[18] Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred, section 19 (see note 11 above).

[19] Joint submission by special procedures to Office of the High Commissioner for Human Rights (OHCHR) 2011 Expert workshop on the prohibition of incitement to national, racial or religious hatred for Europe, held in Vienna, 9 and 10 February 2011. Available from www.ohchr.org/Documents/Issues/Expression/ICCPR/Vienna/CRP3Joint_SR_submission_for_Vienna.pdf.

[20] See www.article19.org/data/files/pdfs/standards/the-camden-principles-on-freedom-of-expression-and-equality.pdf.

refers to statements about national, racial or religious groups which create an imminent risk of discrimination, hostility or violence against persons belonging to those groups; (d) the promotion, by different communities, of a positive sense of group identity does not constitute hate speech.

58. A six-part test has been developed by the NGO Article 19 to determine the appropriate threshold for assessing the types of expressions constituting "incitement to hatred":[21] (1) context of the expression, including consideration of existing conflicts within society, existence and history of institutionalized discrimination, history of clashes and conflicts over resources, the legal framework and the media landscape. In relation to media, issues to be examined include censorship, existence of barriers to establishing media outlets, limits to the independence of the media or journalists, broad and unclear restrictions on the content to publish or broadcast and evidence of bias in the application of the restrictions, absence of criticism of government or wide-ranging policy debate in the media and access by the audience to a range of alternative and easily accessible views and speeches; (2) speaker, including consideration of his/her official position, level of authority or influence over the audience and whether the statement was made by a person in his/her official capacity. Politicians and public officials or persons of similar status should be given special consideration; (3) intent of the speaker to incite hatred, not mere recklessness or negligence; (4) content of the expression, including what was said, the targeted audience and the targeted potential victims, tone and form of the speech; (5) extent and magnitude of the expression, including the means of dissemination (press, audiovisual media, work of art, etc.); (6) likelihood of harm occurring, including its imminence.

59. As underscored by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/66/290), it is necessary to differentiate between illegal expression, which States are required to prohibit under international law, and expression considered harmful, offensive, objectionable or undesirable, but which States are neither required to prohibit or criminalize. It is important to differentiate between three types of expression: (a) expression constituting an offence under international law that can be prosecuted criminally; (b) expression not criminally punishable but that may justify a restriction and a civil suit; (c) expression that does not give rise to criminal or civil sanctions but still raise concerns in terms of tolerance, civility and respect for others. Negative or stereotyped characterizations of minority groups may fall under any of those three categories.

60. The Special Rapporteur considers that, while much attention is rightly paid to legal responses to hate speech, equal attention and discussion should be dedicated to non-legal and social responses. She was impressed by community initiatives, in which hate groups have been confronted and halted by ordinary citizens,[22] and alternative and creative ways that have been initiated to tackle hate speech.

61. Although several constitutions and legislative acts regulate incitement to hatred, practice in respect of national case law differs greatly. In African societies, the importance of traditional conflict resolution methods, the limited number of applicable modern judicial remedies, the lack of public awareness of such remedies, and the weakness of national policies to prevent incitement to hatred were identified as contributing factors to low levels

[21] Article 19, "Prohibiting incitement to discrimination, hostility or violence", Policy Brief 2012, pp.27–40.

[22] See, for example, the Not In Our Town initiative at www.niot.org.

of prosecution.[23] In the Americas, judicial decisions have been made in Argentina, Brazil, Canada, Colombia, Peru and the United States of America, but none has been made in Central America or in the Caribbean.[24]

B. Negative/stereotyped portrayal and lack of representation of minority groups in the media

62. Minorities are often portrayed in a stereotyped manner in the media, through broad generalizations of perceived characteristics of the group as a whole, which, in many cases, are negative or derogatory. The repeated presentation of broad negative stereotypes of minority groups, as, for example, criminals, violent, untrustworthy, disloyal, alien or dirty, nurtures inaccurate and false assumptions and opinions that may eventually develop into discriminatory attitudes and entrenched prejudices. Stereotypes may have the objective of or result in stigmatizing and dehumanizing whole communities.

63. There is a broad spectrum of either deliberate or unintentional negative stereotyping of minority groups in the media, ranging from emphasis on the ethnic or religious background of a person responsible for an offence or repeated association of derogatory and dangerous characteristics with specific groups, to the most virulent attacks against minority members, which commonly highlight alleged differences between "us" versus "them". In some cases, there is direct incitement to violence. Such negative portrayals may reinforce entrenched views of ethnic or religious minorities as "others" and perpetuate ideas of structural disadvantage and inequality, as they fail to present a broader and more accurate representation of the situation and challenges faced by minority groups.[25]

64. Studies[26] reveal that poor reporting by the media on features such as ethnicity and religion involves, inter alia, labelling, selected use of data, generalizing incidents, negative stereotyping, giving one side of a story, use of derogatory words, mixing facts and views, absence of fact checking, and mismatching of the content of the text and headlines, images and sound. Lack of knowledge about ethnic and religious issues by media reporters, absence of in-house training, poor financial situation of media outlets, heavy workload and scarce time to prepare reports were highlighted as obstacles to good, unprejudiced reporting.

65. Pluralistic media is key to providing independent and objective information as it incorporates diverse viewpoints. Media diversity not only refers to the existence of varied media outlets but to the access to mass media by minority groups, as well as to the existence of a plurality of viewpoints within media outlets. Underrepresentation of minorities in the media means that their voices and influence are absent to counter negative expressions. Minorities face numerous challenges both in their access to and representation in the media.

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[23] OHCHR, "Study on the prohibition of incitement to national, racial or religious hatred in Africa", by Doudou Diène, Workshop for Africa, Nairobi, 6 and 7 April 2011. Available from www.ohchr.org/Documents/Issues/Expression/ICCPR/Nairobi/NairobiStudyE.pdf.

[24] OHCHR, "Study on the prohibition of incitement to hatred in the Americas", by Eduardo Bertoni, Workshop for the Americas, Santiago, 12 and 13 September 2011. Available from www.ohchr.org/Documents/Issues/Expression/ICCPR/Santiago/SantiagoStudy_en.pdf.

[25] Simon Cottle, ed., *Ethnic Minorities and the Media: Changing Cultural Boundaries* (Berkshire, Open University Press, 2000).

[26] Verica Rupar, Media Diversity Institute, *Getting the facts right: reporting ethnicity and religion* (Brussels, International Federation of Journalists, 2012).

66. There are few statistics available about representation of minorities in media organs due to the lack of disaggregated data. One study in the United Kingdom confirmed a gross imbalance between white and ethnic minority journalists in relation to training and employment patterns and opportunities within the news media. Only 0.5 per cent of national newspaper journalists and only 0.2 per cent of provincial press journalists were Black or Asian. In the broadcasting industry, an estimated 2.7 per cent of editorial staff were Black or Asian. While equal opportunities policies, ethnic minority monitoring and training schemes of the BBC have helped, half of all Black staff work on black-only radio and television programmes.[27]

67. Access by minority groups to the media in many countries is limited or completely restricted. Persons belonging to linguistic minorities are typically disadvantaged in the media marketplace, and the resulting lack of linguistic plurality within the media has been referred to as "soft assimilation", in that the only available media is in the language of the majority, which fails to reflect minority needs, preferences and issues.

68. The Committee on the Elimination of Racial Discrimination, in its general recommendation No. 35 (2013) on combating racist hate speech, stressed the importance of media pluralism to counter racist hate speech and highlighted that it entails "facilitation of access to and ownership of media by minority, indigenous and other groups …, including media in their own languages" (para. 41). Representation of minority groups in the media is a crucial means to promote the participation of minorities in society and to incorporate pluralistic approaches. The Council of Europe has stressed the fundamental role of minority media in both playing a mediating role between communities and providing access to minority networks and to alternative sources of information.

69. While minority media can fulfil an important role in preserving language, culture and minority identity, it has very limited potential to balance negative stereotyping, stigmatization, homogenization or fight back against hate speech emanating from mainstream media. This is partly due to the fact that minority media tends to be accessed by minority audiences and messages broadcast by them are often regarded as inferior by the society at large, compared to differing majority media viewpoints.

70. Representation of minority groups in mainstream media is essential to ensure diversity in content and in the make-up and structures of media bodies themselves. However, this is hindered by the constant struggle of media organs to survive in competitive marketplaces where priorities are to reach maximum audiences and advertisers. The perception is that those goals can be best achieved by catering to the needs and interests of majority populations, so minority interests, voices and opinions tend be marginalized.[28] The recruitment of journalists and media workers with diverse ethnic, religious and linguistic backgrounds in today's multicultural societies is a pressing need to achieve a more objective and "stereotype-free" media.

C. Structural inequalities

71. Some scholars consider the right to freedom of expression as absolute, suggesting that democratic societies should not permit the exclusion of any views, even if they are offensive or inflammatory. Such theories often fail to recognize the fundamental existence

[27] Simon Cottle, ed., *Ethnic Minorities and the Media: Changing Cultural Boundaries* (Berkshire, Open University Press, 2000).

[28] See OSCE-ODIHR, "Incitement to Hatred vs. Freedom of Expression: Challenges of combating hate crimes motivated by hate on the Internet", report of Expert Meeting held in Warsaw, 22 March 2010. Available from www.osce.org/odihr/68750?download=true.

of structural inequalities in society, which make some more vulnerable, including to attack, whether verbal or physical. Many examples from different regions demonstrate the connection between hate speech and violence and that there are legitimate grounds to limit freedom of speech when it is motivated by or seeks to incite racial, religious or other forms of hatred.

72. It is difficult to talk about upholding the values of democracy and equality if certain groups are completely excluded from participating in or shaping that democracy in practice. If marginalized communities lack access to public platforms and communication channels, they have no possibilities to influence public opinion or to seek and obtain justice. Roma communities struggle to respond to hate speech in mass media from far-right groups and political parties, since Roma are almost completely excluded from mainstream media platforms. Where communities are regarded as inferior in any society, their voices will also be treated as inferior, regardless of how loudly they shout and how valid their concerns.

73. Action to address hate speech and hate crime must engage majority communities, including politicians, intellectuals, celebrities and ordinary people concerned about hatred in their societies, to join marginalized and disadvantaged minorities in demanding human rights, equality and human dignity for all. Such coordinated struggle must include legislative steps, but also requires swift and efficient social responses. If hate incidents are not tackled early, targeted groups may experience permanent damage to their self-esteem and sense of belonging within their societies, thereby increasing their marginalization. Majority communities may also gradually become desensitized to hate speech, to the point where they begin to accept the hostility and stigmatization against certain groups in their societies.

D. Changing media landscape

74. Media, in all its diverse forms, is an essential component of today's societies, providing huge benefits and possibilities, including in the field of minority issues and inter-faith or intercommunity cohesion. Media offers immediacy in communication and exchange of information, often in different languages and representing different ethnic, religious and cultural viewpoints, which can reach all audiences.

75. The format of the media environment has undergone a dramatic transformation to host Internet and online media platforms, allowing live interaction and more rapid outreach worldwide. In the digital age, media has also widened its scope to include social media, where people share and/or exchange information, ideas and initiatives across vast national and international networks and virtual communities. New forms of online media which allow those who advocate hate speech or cyberhate to easily access large audiences are subject to less regulation than traditional media and provide anonymity to those who wish to exploit it.

76. While digital media has provided new spaces for minority groups to participate in the public debate, the accessibility, rapidness and relative anonymity provided by the Internet also provide fertile ground for spreading hateful content. Hate speech on the Internet adopts many forms and is disseminated through different digital platforms[29] — from highly organized hate groups which recruit, radicalize and instruct followers to attack targeted groups; the issuing of "hit lists" containing calls for violence against individuals; "cyberbullying", which targets primarily youth and often originates from racial, ethnic or religious bias; dissemination of propaganda, misinformation and hate spam; exchange of

[29] Ibid.

information and ideas via social media networks, discussion groups, listservs and communities of interest.[30]

77. The anonymity of the Internet poses particular challenges when it comes to tracking and prosecuting the authors of content that might incite hatred and violence. Material can be shared worldwide and hosted by Internet service providers (ISPs) subject to various legislations with diverse degrees of protection against hate speech. Racist hate websites are commonly hosted in jurisdictions considered favourable to or tolerant of hate speech and can easily relocate to another permissive jurisdiction if blocked or banned.

78. Given that social media platforms are mostly self-regulating and therefore dependent on reporting by users of material perceived as hateful or harmful, their content can be accessible until it is ultimately flagged by community members as material contravening the site's guidelines. In addition to legislative and jurisdictional challenges, there are technical difficulties involved in removing hate-inciting material from the Internet.

79. Online media and communication platforms make it easier for extremist groups to organize themselves, even transnationally. In Europe, anti-immigrant populist radical-right political parties increased their representation in the European Parliament from only 8 per cent in 2009 to close to 15 per cent in the 2014 election. This rise of ethno-nationalist right-wing parties is also a consequence of the trend towards less extreme "hate" language and more sophisticated and "moderate" manifestations of far-right messages which appeal to a wider group of voters, resulting in their having a bigger impact on mainstream society.[31]

V. Good practices for addressing and responding to hate speech and incitement to hatred in the media

80. Despite the countless examples of hate speech and incitement to hatred against minorities in the media today, there are also many measures and initiatives involving and implemented by the media to contest hateful speech and incitement to hatred, and counter its pernicious effects.

A. Education and media literacy

81. Human rights education as well as education for respect of diversity is of paramount importance to fostering a tolerant society, but is not sufficient: it must be complemented by education on the responsible use of the Internet and social media by citizens, particularly children and young people, so as to counter hate speech exposure and minimize other risks, such as cyberbullying. Several relevant initiatives to promote media literacy are led by States, international organizations and civil society, such as those presented below.

82. In 2012, the Council of Europe launched the "No hate speech movement",[32] a campaign directed towards youth with the objective of combating online hate speech in all its forms. The campaign is part of the project "Young People Combating Hate Speech

[30] Tarlach McGonagle, "The Council of Europe against online hate speech: Conundrums and challenges", Expert paper, MCM(2013)005, Council of Europe Conference of Ministers responsible for Media and Information Society, Belgrade, 7 and 8 November 2013. Available from www.ivir.nl/publicaties/download/1088.

[31] Catherine Fieschi, Marley Morris, Lila Caballero, eds.,Populist fantasies: European revolts in context (U.K., Counterpoint, 2013). Available from http://counterpoint.uk.com/wp-content/uploads/2013/10/Populist-Fantasies-European-revolts-in-context.pdf.

[32] See www.nohatespeechmovement.org/.

Online, 2012-2014", which aims to equip young people with competences to recognize and act against hate speech, racism and discrimination in their online expression.

83. The United Nations Alliance of Civilizations, established in 2005, is a United Nations entity tasked to assist in diminishing hostility and promoting harmony among nations in order to prevent conflict and promote social cohesion. The Alliance has engaged in media and information literacy initiatives to teach media consumers how to critically interpret information received. Those initiatives include a media and information literacy clearing house (milunesco.unaoc.org), the creation of a global network of universities, and the coordination of workshops for educators and publications.

84. In April 2014, Rwanda Media High Council, in partnership with the African Media Initiative and the Ethical Journalism Network, launched the campaign "Turning the Page of Hate Media in Africa", coinciding with the 20th anniversary of the genocide. The campaign aims to promote ethical, tolerant and inclusive journalism, good media governance and responsible communications through the open information landscape, and includes a guideline document to test for hate speech in journalism practices.

B. Establishment of specialized institutions

85. Dedicated institutional attention to minority issues, including monitoring and responding to hatred targeted against minorities, is essential to prevent atrocities and reinforce unity and stability. This is even more important following violence or conflict, as part of transitional justice and reconciliation processes.

86. During the disputed presidential elections in Kenya in 2007, violence, triggered by hate speech and incitement to hatred by political and religious leaders in the media, left more than 1,000 people dead and half a million displaced. As a result, Kenya established the National Cohesion and Integration Commission, tasked to promote ethnic harmony and investigate complaints of ethnic or racial discrimination or any issue affecting ethnic and racial relations. The Commission has been tackling hate speech through action, including the development of guidelines for media outlets, training manuals for law enforcement officers, workshops and conferences.

C. Promotion of ethical standards, regulatory bodies and participation of minorities in media outlets

87. Media outlets can actively engage in fighting incitement to hatred and violence in the media by adopting principles and guidelines of ethical and responsible journalism to improve the quality of information and reporting to avoid bias, prejudice and manipulation, as well as by promoting diversity among media workers and investing in adequate training for media professionals.

88. In April 2014, the International Federation of Journalists adopted the "Brussels Declaration"[33] to combat incitement to hate and violence through media. The Declaration made recommendations to journalists and their unions aimed at upholding the principles and ethics of responsible journalism, including denouncing incitement to hatred whenever identified, ensuring knowledge of codes and guidelines by media workers, promoting education and training of journalists as well as encouraging diversity in media outlets.

[33] See www.ifj.org/nc/news-single-view/backpid/191/article/ifj-conference-agrees-declaration-to-stand-up-against-hate-speech/.

89. Ethics codes play an important role in guiding press workers on how to report objectively and responsibly. The Press Ethics Code of Benin emphasizes that "Journalists must refuse to publish any incitement to tribal, racial and religious hatred. They must make a stand against all forms of discrimination" (art. 10). Singapore's Internet Code of Practice considers as prohibited material that "glorifies, incites or endorses ethnic, racial or religious hatred, strife or intolerance" (art. 4 (2)(g)).

90. Independent regulatory bodies, such as media watchdogs, councils and ombudsmen, monitor media reporting, identify and report on hateful content and reinforce ethical standards. However, regulatory media bodies must not unduly censor media sources and must comply with international standards. The Press Council in Bosnia-Herzegovina monitors the application of the Press Code and the investigation of complaints. In 2014, in the context of the general elections campaign, it launched the campaign "STOP! Hate Speech!".

91. Several self-regulatory media bodies have started to operate in Africa, some of them in countries with a history of hate speech and incitement to violence against minority groups. The Rwanda Media Commission was established in 2013 with the mandate to promote ethical journalism, defend media freedom and adjudicate complaints against the media; some commentators have alleged censorship and serious restrictions on media freedoms.

92. Media self-regulatory bodies in the Americas include the Ethics Committee of the Journalism National Council in Panama.[34] The Committee brings together journalists, media owners, civil society, academics and the Office of the Ombudsman and receives and responds to complaints about journalism practices.

93. Participation of minorities in the media landscape encompasses the possibility for minority professionals to work in media outlets. Some media outlets have developed specific programmes and internships to recruit and train minority media workers in order to promote ethnic diversity in the newsrooms and press offices.

D. Civil society initiatives to address hate speech

94. Civil society organizations have developed innovative approaches and actions to combat hate in the media, including the Internet. Those actions include identifying hate trends, tracking and monitoring hate speech websites, notifying potentially affected or targeted communities about hate activities, working closely with Internet providers and governmental agencies to report hateful content and providing online educational materials and training programmes.

95. Studio Ijambo was launched in 1995 by the organization Search for Common Ground to address inter-ethnic violence in Burundi. The programme aimed to establish a platform to promote dialogue and tolerance through radio, in contrast to hate speech and incitement in radio programmes in neighbouring Rwanda. The station uses different formats, including debates and discussion programmes, soap operas, sketches and interactions between political leaders and youth, for example. Twenty years on, the model is considered a success and has been replicated in other African countries, including the Democratic Republic of the Congo, where radio has been used to promote constructive messages about conflict resolution.

[34] Report of the Expert Workshop for the Americas, Santiago, 12 and 13 October 2011, available from www.ohchr.org/Documents/Issues/Expression/ICCPR/Santiago/MeetingReportSantagio.pdf.

96. The Umati project in Kenya emerged out of concern that mobile and digital technologies had played a catalyzing role in the 2007–2008 post-election violence in the country. The project seeks to better understand the use of dangerous speech in Kenyan online space, by monitoring blogs, forums, online newspapers, Facebook and Twitter. From October 2012 to November 2013, over 7,000 incidents of hate speech in English and local languages were identified. They were shared with other Kenyan organizations responsible for countering hate speech.

97. The Panzagar Movement ("flower speech campaign") in Myanmar was initiated in April 2014 by a Burmese blogger and human rights activist concerned by hate speech against Muslim citizens in social media. The Movement was launched under the slogan "Let's moderate our speech to prevent hatred among human beings" and is actively engaged in social networks.

98. Norikoe Net is a Japan-based group working to overcome hate speech and racism, often targeted against Koreans, in Japan. The group joined forces with others to collectively counter racism and hate speech by organizing anti-hate speech events and protests and pushing for the enactment of anti-discrimination legislation in Japan.

99. Some initiatives seek to involve ISPs in combating online hate speech, by advocating the implementation of reporting mechanisms for illegal material posted on their services, identifying hateful content that violates the terms of service or code of conduct of the ISPs and requesting the ISPs concerned to remove it. The Anti-Defamation League (ADL) has been actively involved in combating online hate speech through close collaboration with ISPs as well as law enforcement agencies, and providing training resources and educational materials on hate crimes.

100. Civil society organizations have formed networks to combat cyberhate, lobby for international legislation against discrimination on the Internet and exchange information and best practices. The International Network Against CyberHate (INACH) comprises 15 organizations from different countries with the purpose of uniting and empowering organizations to promote respect, responsibility and citizenship on the Internet through countering cyberhate and raising awareness about online discrimination.

VI. Conclusions and recommendations

101. **Hatred is often constructed, fuelled, maintained and directed by certain individuals or groups against other individuals and communities who are different in ethnicity, language or religion from the dominant majority, often for political reasons or owing to long-standing and entrenched discrimination. Hateful messages may fall on particularly fertile ground where there are wider social, economic or political problems or divisions in society. The root causes of hatred often lie beyond purely ethnic or religious difference and must be better understood.**

102. **It is essential to recognize how, in the longer term, hate speech and incitement can endanger social cohesion and create or deepen intercommunal divides and tensions. Action to address hate speech and hate crime must engage majority communities, including politicians, intellectuals, celebrities and ordinary people concerned about discrimination and hatred in their societies, to join marginalized and disadvantaged minorities in demanding human rights, equality and human dignity for all. Such coordinated action must include legislative steps and swift and efficient social responses. If hate incidents are not tackled quickly and effectively, targeted groups may experience permanent damage to their self-esteem and sense of belonging within their societies, increasing their marginalization. Majority communities may gradually become desensitized to the hostility in their societies targeted against minority groups.**

103. **Traditional and contemporary media have enormous potential to foster knowledge, understanding and acceptance of diversity. Media can also be misused as a forum for stigmatization, discrimination, exclusion and, in the worst cases, incitement of violence. Contemporary media, particularly new digital media, due to its immediacy, universal scope, accessibility, interactive nature and the difficulty of regulating it, have become accessible platforms for spreading hate speech.**

104. **Several factors influence the extent and prevalence of hate speech in the media, including the absence of or unclear legislation on incitement to hatred, negative and stereotyped portrayal of minorities, limited access and representation of minorities in the media, structural inequalities, the changing media landscape and the emerging and more organized forms of extremist and populists movements.**

105. **The Special Rapporteur urges States to adopt domestic legislation, in conformity with article 20 of the International Covenant on Civil and Political Rights, prohibiting any "advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence".**

106. **Legislation must fully respect the right to freedom of speech and expression and avoid any arbitrary or abusive interpretation of anti-hate speech laws. States should establish proportionate thresholds for the assessment of forms of expression which may amount to incitement to hatred, including careful consideration, on a case-by-case basis, of the context, speaker, intent, content, extent or magnitude and likelihood or probability of harm occurring. Legislation prohibiting incitement to hatred should provide effective and adequate remedies to victims, including civil remedies for damages, and guarantee the right of correction and reply.**

107. **The Special Rapporteur calls upon all States to adopt the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence when implementing or revising their domestic legal framework on hate speech.**

108. **The Special Rapporteur emphasizes that there are several non-legal ways and means to tackle hate speech. Public condemnation of hate speech by political leaders, parliamentarians, party members, other public figures and community leaders can shape public perceptions and contribute to unity and social cohesion. Democratic political parties need to find effective tools and outreach strategies to counterbalance hate messages spread by extremist forces and parties.**

109. **The establishment of institutions dedicated to minority issues, with mandates to train, monitor and act on issues relevant to intercommunal relations and harmony, objective portrayal of and peace between diverse population groups, especially regarding relevant threats, such as incitement to religious or racial hatred, is desirable.**

110. **Media outlets should maintain the highest standards of ethical journalism, avoid stereotyping of individuals and groups and report in a factual and impartial manner. Media outlets should adopt codes of ethics and conduct for the exercise and promotion of ethical standards. The participation of minority professionals in media outlets in all roles and levels is essential to ensuring objective and non-stereotypical portrayal of minorities. Media outlets should implement programmes to train, recruit and support media workers belonging to minority groups.**

111. **Specific training in minority issues should be provided to media professionals by media outlets to help journalists improve coverage and produce accurate, in-depth and informed reporting on minority-related issues.**

112. The Special Rapporteur encourages the establishment of national, independent regulatory bodies, including representatives of minorities, with powers to monitor hate speech in the media, receive reports from the public in relation to hate speech, receive and support complaints, and make recommendations.

113. While recognizing the technical and operational difficulties in combating online hate speech, the Special Rapporteur encourages States to take specific measures, including specialized training of law enforcement bodies and prosecutors, to address hate crimes and incitement to hatred on the Internet, and to exchange information and best practices at the international level.

114. Internet service providers (ISPs) should establish detailed terms of service, guidelines and notice-and-takedown procedures regarding hate speech and incitement, in line with national legislation and international standards, and ensure transparent implementation of those polices. The Special Rapporteur encourages ISPs to collaborate with government and civil society organizations to combat hate speech, including providing adequate channels for the reporting of illegal hateful content posted on their services.

115. Education to promote intercultural understanding, mutual respect and tolerance among population groups is essential to eliminating stereotypes and prejudices against minority communities. Human rights education should be an important part of school curricula, which should also include the history, culture and traditions of minority groups as well as their important contribution to enriching our societies.

116. Media literacy is essential to providing youth and adults with adequate tools and resources to develop critical thinking in order to question the accuracy, bias and impact of the information provided by the media. The Special Rapporteur recommends that States include key functions of media literacy in school curricula at all stages with special focus on the online environment.

117. The Special Rapporteur welcomes the commendable work of civil society in conducting public-awareness campaigns to combat hate speech, including on the Internet. She encourages States to work collaboratively with and support those organizations and projects, including providing financial support.